

Debtor 1 Richard Eugene Van Cleave

Debtor 2 Lujene Van Cleave  
(Spouse, if filing)

United States Bankruptcy Court for the: Northern District of Texas  
(State)

Case number 15-40828-rfn13

## Form 4100R

**Response to Notice of Final Cure Payment**

10/15

According to Bankruptcy Rule 3002.1(g), the creditor responds to the trustee's notice of final cure payment.

**Part 1: Mortgage Information**

Name of creditor: US Bank Trust N.A., as trustee of Bungalow Series F Trust Court claim no. (if known): 21

Last 4 digits of any number you use to identify the debtor's account: 5 5 6 6

Property address: 3718 Hollow Creed Road  
Number Street

Arlington, TX 76001  
City State ZIP Code

**Part 2: Prepetition Default Payments**

Check one:

- ☒ Creditor agrees that the debtor(s) have paid in full the amount required to cure the prepetition default on the creditor's claim.
- ☐ Creditor disagrees that the debtor(s) have paid in full the amount required to cure the prepetition default on the creditor's claim. Creditor asserts that the total prepetition amount remaining unpaid as of the date of this response is: \$ \_\_\_\_\_

**Part 3: Postpetition Mortgage Payment**

Check one:

- ☐ Creditor states that the debtor(s) are current with all postpetition payments consistent with § 1322(b)(5) of the Bankruptcy Code, including all fees, charges, expenses, escrow, and costs.

The next postpetition payment from the debtor(s) is due on:      /      /       
MM / DD / YYYY

- ☒ Creditor states that the debtor(s) are not current on all postpetition payments consistent with § 1322(b)(5) of the Bankruptcy Code, including all fees, charges, expenses, escrow, and costs.

Creditor asserts that the total amount remaining unpaid as of the date of this response is:

- a. Total postpetition ongoing payments due: (a) \$ 9,784.39
- b. Total fees, charges, expenses, escrow, and costs outstanding: + (b) \$ (723.04)
- c. **Total.** Add lines a and b. (c) \$ 9,061.35

Creditor asserts that the debtor(s) are contractually obligated for the postpetition payment(s) that first became due on:

03 / 01 / 2018  
MM / DD / YYYY

Debtor 1 Richard Eugne Van Cleave  
First Name Middle Name Last Name

Case number (if known) 15-40828-rfn13

#### Part 4: Itemized Payment History

If the creditor disagrees in Part 2 that the prepetition arrearage has been paid in full or states in Part 3 that the debtor(s) are not current with all postpetition payments, including all fees, charges, expenses, escrow, and costs, the creditor must attach an itemized payment history disclosing the following amounts from the date of the bankruptcy filing through the date of this response:

- ☐ all payments received;
- ☐ all fees, costs, escrow, and expenses assessed to the mortgage; and
- ☐ all amounts the creditor contends remain unpaid.

#### Part 5: Sign Here

**The person completing this response must sign it. The response must be filed as a supplement to the creditor's proof of claim.**

Check the appropriate box::

- ☐ I am the creditor.  
☒ I am the creditor's authorized agent.

**I declare under penalty of perjury that the information provided in this response is true and correct to the best of my knowledge, information, and reasonable belief.**

Sign and print your name and your title, if any, and state your address and telephone number if different from the notice address listed on the proof of claim to which this response applies.

X /s/ Kristin A. Zilberstein  
Signature

Date 09 / 06 / 2018

Print Kristin A. Zilberstein, Esq.  
First Name Middle Name Last Name

Title Authorized Agent for Creditor

Company The Law Offices of Michelle Ghidotti

**If different from the notice address listed on the proof of claim to which this response applies:**

Address 1920 Old Tustin Ave.  
Number Street

Santa Ana, CA 92705  
City State ZIP Code

Contact phone (949) 427 - 2010

Email kzilberstein@ghidottilaw.com

Payment Changes				
Date	P&I	Escrow	Total	Notice Filed
4/1/2015		\$766.75	\$766.75	being applied
3/1/2017	\$736.15	\$814.29	\$1,550.44	NOPC
		\$0.00		
		\$0.00		
		\$0.00		
		\$0.00		



Loan Information	
Loan #	15-40828
Borrower	VAN CLEAVE
BK Case #	15-40828
Date Filed	3/2/2015
First Post Petition Due Date	4/1/2015
POC Covers	

Date	Amount Rvd	Post Pet Due Date	Contractual Due Date	Amt Due	Over/Short	Suspense Credit	Suspense Debit	Suspense Balance	POC Arrears Credit	POC Debit	POC Paid to Date	Comments
4/8/2015	\$1,445.58	suspense			\$1,445.58	\$1,445.58		\$1,445.58			\$0.00	
6/12/2015	\$1,484.17	4/1/2015	9/1/2014	\$1,394.77	\$89.40	\$89.40		\$1,534.98			\$0.00	
6/12/2015		5/1/2016	10/1/2014	\$1,394.77	-\$1,394.77		\$1,394.77				\$0.00	
11/16/2015		trustee arrears			\$0.00			\$140.21	\$297.99		\$297.99	
2/2/2016		trustee arrears			\$0.00			\$140.21	\$1,141.69		\$1,439.68	
		APO entered 2/25/16, liao \$13,103.12 for 6/1/15 - 2/1/16 to be added to plan, Resume reg monthly pmt 3/1/16 liao \$1394.77										
3/14/2016		trustee arrears			\$0.00			\$140.21			\$1,439.68	
3/15/2016		pre petition applied	11/1/2014		\$0.00			\$140.21	\$572.54		\$2,012.22	
4/12/2016		trustee arrears			\$0.00			\$140.21	\$1,153.65	\$766.75	\$2,012.22	
4/13/2016		pre petition applied	12/1/2014		\$0.00			\$140.21		\$766.71	\$3,165.87	
5/6/2016		trustee arrears			\$0.00			\$140.21	\$572.36		\$3,738.23	
6/8/2016		trustee arrears			\$0.00			\$140.21	\$93.92		\$3,832.15	
9/16/2016	\$1,400.00	3/1/2015	1/1/2015	\$1,394.77	\$5.23	\$5.23		\$145.44			\$3,832.15	
10/4/2016		post arrears			\$0.00			\$145.44	\$743.80		\$4,575.95	
10/4/2016		trustee arrears			\$0.00			\$145.44	\$2,460.47		\$7,036.42	
10/5/2016		pre petition applied	2/1/2015		\$0.00			\$145.44		\$766.75	\$7,036.42	
10/5/2016		pre petition applied	3/1/2015		\$0.00			\$145.44		\$766.75	\$7,036.42	
10/17/2016	\$1,400.00	4/1/2016	4/1/2015	\$1,394.77	\$5.23	\$5.23		\$150.67			\$7,036.42	
11/4/2016		trustee arrears			\$0.00			\$150.67	\$310.36		\$7,346.78	
11/4/2016		post arrears			\$0.00			\$150.67	\$716.09		\$8,062.87	
11/8/2016		post arrears			\$0.00			\$150.67		\$766.75	\$8,062.87	
11/16/2016	\$1,400.00	5/1/2016	6/1/2015	\$1,394.77	\$5.23	\$5.23		\$155.90			\$8,062.87	
11/29/2016		trustee arrears			\$0.00			\$155.90	\$314.01		\$8,376.88	
11/29/2016		post arrears			\$0.00			\$155.90	\$724.51		\$9,101.39	
12/12/2016	\$1,400.00	6/1/2016	7/1/2015	\$1,394.77	\$5.23	\$5.23		\$161.13			\$9,101.39	
12/19/2016		pre petition applied	8/1/2015		\$0.00			\$161.13	\$314.00		\$9,101.39	
12/29/2016		trustee arrears			\$0.00			\$161.13	\$724.48		\$9,415.39	
12/29/2016		post arrears			\$0.00			\$161.13			\$10,139.87	
1/13/2017	\$1,400.00	suspense			\$1,400.00	\$1,400.00		\$1,561.13			\$10,139.87	
1/30/2017	\$1,394.77	7/1/2016	9/1/2015	\$1,394.77	-\$1,394.77		\$1,394.77				\$10,139.87	
2/20/2017	\$1,500.00	8/1/2016	10/1/2015	\$1,394.77	\$105.23			\$166.36			\$10,139.87	
3/7/2017		post arrears			\$0.00			\$166.36	\$1,448.36		\$11,588.23	
3/7/2017		trustee arrears			\$0.00			\$166.36	\$627.74		\$12,215.97	
3/7/2017		pre petition applied	11/1/2015		\$0.00			\$166.36		\$766.75	\$12,215.97	
3/8/2017		pre petition applied	12/1/2015		\$0.00			\$166.36		\$766.75	\$12,215.97	
3/13/2017	\$1,600.00	9/1/2016	1/1/2016	\$1,394.77	\$205.23	\$205.23		\$371.59			\$12,215.97	
4/17/2017	\$1,600.00	10/1/2016	2/1/2016	\$1,394.77	\$205.23	\$205.23		\$576.82			\$12,215.97	
5/3/2017		trustee arrears			\$0.00			\$576.82	\$312.19		\$12,528.16	
5/3/2017		post arrears			\$0.00			\$576.82	\$720.30		\$13,248.46	
5/3/2017		pre petition applied	3/1/2016		\$0.00			\$576.82		\$766.75	\$13,248.46	
5/15/2017	\$1,600.00	11/1/2016	4/1/2016	\$1,394.77	\$205.23	\$205.23		\$782.05			\$13,248.46	
6/27/2017	\$1,600.00	12/1/2016	5/1/2016	\$1,394.77	\$205.23	\$205.23		\$987.28			\$13,248.46	
7/6/2017		trustee arrears			\$0.00			\$987.28	\$313.95		\$13,562.41	
7/6/2017		post arrears			\$0.00			\$987.28	\$724.36		\$14,286.77	
7/6/2017		pre petition applied	6/1/2016		\$0.00			\$987.28		\$1,397.77	\$14,286.77	
7/10/2017		post arrears			\$0.00			\$987.28	\$724.33		\$15,011.10	

7/10/2017		trustee arrears	7/1/2016	\$1,394.77	\$0.00	\$255.23	\$255.23	\$987.28	\$313.93		\$15,325.03
7/20/2017	\$1,650.00	trustee arrears						\$1,242.51			\$15,325.03
8/2/2017		post arrears				\$0.00		\$1,242.51	\$307.13		\$15,632.16
8/2/2017		pre petition applied	8/1/2016			\$0.00		\$1,242.51	\$708.63		\$16,340.79
9/11/2017		trustee arrears				\$0.00		\$1,242.51	\$307.12	\$1,394.77	\$16,340.79
9/11/2017		post arrears				\$0.00		\$1,242.51	\$708.59		\$16,647.91
9/11/2017		pre petition applied	9/1/2016			\$0.00		\$1,242.51		\$1,394.77	\$17,356.50
9/18/2017	\$1,650.00	2/1/2017	10/1/2016	\$1,394.77	\$255.23	\$255.23	\$255.23	\$1,497.74			\$17,356.50
10/13/2017	\$1,650.00	3/1/2017	11/1/2016	\$1,394.77	\$255.23	\$255.23	\$255.23	\$1,752.97			\$17,356.50
11/3/2017		trustee arrears				\$0.00		\$1,752.97	\$614.08		\$17,970.58
11/1/2017		post arrears				\$0.00		\$1,752.97	\$1,416.85		\$19,387.43
11/13/2017		pre petition applied	12/1/2016			\$0.00		\$1,752.97		\$1,394.77	\$19,387.43
11/24/2017	\$1,650.00	4/1/2017	1/1/2017	\$1,397.77	\$252.23	\$252.23	\$252.23	\$2,005.20			\$19,387.43
11/24/2017	\$1,650.00	5/1/2017	2/1/2017	\$1,397.77	\$252.23	\$252.23	\$252.23	\$2,257.43			\$19,387.43
12/18/2017		trustee arrears				\$0.00		\$2,257.43	\$619.25		\$20,006.68
12/18/2017		post arrears				\$0.00		\$2,257.43	\$1,428.78		\$21,435.46
12/19/2017		pre petition applied	3/1/2017			\$0.00		\$2,257.43		\$1,394.77	\$21,435.46
12/19/2017		pre petition applied	4/1/2017			\$0.00		\$2,257.43		\$1,394.77	\$21,435.46
12/27/2017		trustee arrears				\$0.00		\$2,257.43	\$309.62		\$21,745.08
12/27/2017		post arrears				\$0.00		\$2,257.43	\$714.38		\$22,459.46
12/27/2017		pre petition applied	5/1/2017			\$0.00		\$2,257.43		\$1,397.77	\$22,459.46
1/18/2018	\$1,650.00	6/1/2017	6/1/2017	\$1,397.77	\$252.23	\$252.23	\$252.23	\$2,509.66			\$22,459.46
2/5/2018		trustee arrears				\$0.00		\$2,509.66	\$309.60		\$22,769.06
2/5/2018		post arrears				\$0.00		\$2,509.66	\$714.32		\$23,483.38
2/20/2018	\$1,650.00	7/1/2017	7/1/2017	\$1,397.77	\$252.23	\$252.23	\$252.23	\$2,761.89			\$23,483.38
3/2/2018		trustee arrears				\$0.00		\$2,761.89	\$309.58		\$23,792.96
3/2/2018		post arrears				\$0.00		\$2,761.89	\$714.27		\$24,507.23
3/20/2018	\$1,650.00	8/1/2017	8/1/2017	\$1,397.77	\$252.23	\$252.23	\$252.23	\$3,014.12			\$24,507.23
3/30/2018		trustee arrears				\$0.00		\$3,014.12	\$74.14		\$24,581.37
3/30/2018		post arrears				\$0.00		\$3,014.12	\$171.07		\$24,752.44
5/4/2018		9/1/2017	9/1/2017			\$0.00		\$3,014.12		\$1,397.77	\$24,752.44
5/4/2018		10/1/2017	10/1/2017			\$0.00		\$3,014.12		\$1,397.77	\$24,752.44
6/15/2018	\$1,650.00	11/1/2017	11/1/2017	\$1,397.77	\$252.23	\$252.23	\$252.23	\$3,266.35			\$24,752.44
8/7/2018	\$1,650.00	12/1/2017	12/1/2017	\$1,397.77	\$252.23	\$252.23	\$252.23	\$3,518.58			\$24,752.44
8/7/2018		1/1/2018	1/1/2018	\$1,397.77	-\$1,397.77	-\$1,397.77	-\$1,397.77	\$2,120.81		\$1,397.77	\$24,752.44
8/7/2018		2/1/2018	2/1/2018	\$1,397.77	-\$1,397.77	-\$1,397.77	-\$1,397.77	\$723.04			\$24,752.44
8/7/2018		3/1/2018	3/1/2018			\$0.00		\$723.04		\$1,397.77	\$24,752.44
8/7/2018						\$0.00		\$723.04			\$24,752.44

Michelle R. Ghidotti-Gonsalves, Esq. (SBN 232837)  
Kristin A. Zilberstein (SBN 200041)  
Jennifer R. Bergh, Esq. (SBN 305219)  
LAW OFFICES OF MICHELLE GHIDOTTI  
1920 Old Tustin Ave.  
Santa Ana, CA 92705  
Ph: (949) 427-2010  
Fax: (949) 427-2732  
mghidotti@ghidottilaw.com

Authorized Agent for Creditor  
U.S. Bank Trust National Association, et al

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS

In Re:	)	CASE NO.: <b>15-40828-rfn13</b>
	)	
RICHARD EUGNE VAN CLEAVE and	)	CHAPTER 13
LUJENE VAN CLEAVE,	)	
	)	<b>CERTIFICATE OF SERVICE</b>
Debtors.	)	
	)	
	)	
	)	
	)	
	)	
	)	
	)	

---

**CERTIFICATE OF SERVICE**

I am employed in the County of Orange, State of California. I am over the age of eighteen and not a party to the within action. My business address is: 1920 Old Tustin Ave., Santa Ana, CA 92705.

I am readily familiar with the business's practice for collection and processing of correspondence for mailing with the United States Postal Service; such correspondence would

be deposited with the United States Postal Service the same day of deposit in the ordinary course of business.

On September 6, 2018 I served the following documents described as:

• **RESPONSE TO NOTICE OF FINAL CURE PAYMENT**

on the interested parties in this action by placing a true and correct copy thereof in a sealed envelope addressed as follows:

(Via United States Mail)

<b>Debtor</b> Richard Eugne Van Cleave 3718 Hollow Creek Rd. Arlington, TX 76001  <b>Joint Debtor</b> Lujene Van Cleave 3718 Hollow Creek Rd. Arlington, TX 76001  <b>Debtors' Counsel</b> Weldon Reed Allmand Allmand Law Firm, PLLC 860 Airport Freeway, Suite 401 Hurst, TX 76054	<b>Debtors' Counsel</b> James M. Morrison Allmand Law Firm, PLLC 860 Airport Fwy., Suite 401 Hurst, TX 76054  <b>Trustee</b> Pam Bassel 7001 Blvd 26 Suite 150 North Richland Hills, TX 76180  <b>U.S. Trustee</b> United States Trustee 1100 Commerce Street Room 976 Dallas, TX 75242
--	---

xx (By First Class Mail) At my business address, I placed such envelope for deposit with the United States Postal Service by placing them for collection and mailing on that date following ordinary business practices.

       Via Electronic Mail pursuant to the requirements of the Local Bankruptcy Rules of the Eastern District of California

xx (Federal) I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on September 6, 2018 at Santa Ana, California

/s / Steven P. Swartzell  
Steven P. Swartzell